



General Assembly

Amendment

January Session, 2009

LCO No. 6857

HB0655206857HDO

Offered by:

REP. ROY, 119th Dist.

SEN. MEYER, 12th Dist.

REP. HAMZY, 78th Dist.

REP. WIDLITZ, 98th Dist.

REP. AMAN, 14th Dist.

SEN. RORABACK, 30th Dist.

To: Subst. House Bill No. 6552

File No. 516

Cal. No. 336

"AN ACT BANNING THE POSSESSION OF POTENTIALLY DANGEROUS ANIMALS AND THE IMPORTATION, POSSESSION AND LIBERATION OF WILD ANIMALS."

1 Strike sections 2 and 3 in their entirety and substitute the following
2 in lieu thereof:

3 "Sec. 2. Section 26-40a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2009*):

5 (a) No person shall possess a potentially dangerous animal. For the
6 purposes of this section, the following wildlife, or any hybrid thereof,
7 shall be considered [as] potentially dangerous animals:

8 (1) The felidae, including, but not limited to, the lion, leopard,
9 cheetah, jaguar, ocelot, jaguarundi cat, puma, lynx, [and] bobcat, [; the]
10 tiger, serval, caracal, jungle cat and Savannah cat;

11 (2) The canidae, including, but not limited to, the wolf, [and] coyote

12 [; and the] and fox;

13 (3) The ursidae, including, but not limited to, the black bear, grizzly
14 bear and brown bear; [. No person shall possess a potentially
15 dangerous animal.]

16 (4) The hominidae, including, but not limited to, the gorilla,
17 chimpanzee and orangutan, except a primate that weighs less than
18 thirty-five pounds at maturity and that was imported or possessed by
19 a person in this state prior to October 1, 2003, shall not be considered a
20 potentially dangerous animal pursuant to this section;

21 (5) The hylobatidae, including, but not limited to, the gibbon or
22 "lesser ape";

23 (6) The cercopithecidae, including, but not limited to, the baboon
24 and macaque;

25 (7) The macropodidae, including, but not limited to, the kangaroo
26 and wallaby;

27 (8) The mustelidae, including, but not limited to, the wolverine;

28 (9) The hyaenidae, including, but not limited to, the hyaena;

29 (10) The elephantidae, including the elephant;

30 (11) The hippopotamidae, including the hippopotamus;

31 (12) The rhinocerotidae, including, but not limited to, the
32 rhinoceros;

33 (13) The suidae, including, but not limited to, the warthog;

34 (14) The alligatoridae, including, but not limited to, the alligator and
35 caiman;

36 (15) The crocodylidae, including, but not limited to, the crocodile;

37 (16) The gavialidae, including, but not limited to, the gavial;

38 (17) The elapidae, including, but not limited to, cobras, coral snakes
39 and mambas;

40 (18) The viperidae, including, but not limited to, copperheads,
41 rattlesnakes, cottonmouths and all other adders and vipers;

42 (19) The rear-fanged members of the colubridae in the genera
43 lothornis, boiga, thelotornis, thabdophis, enhydriis, dispholidus, clelia,
44 rhabdophis, hydrodynastes, philodryas and malpolon;

45 (20) The Burmese/Indian, African Rock, amethystine and
46 reticulated of the pythonidae;

47 (21) The green, yellow and dark spotted anacondas of the boidae;

48 (22) The helodermatidae, including, but not limited to, Gila
49 monsters and beaded lizards; and

50 (23) The Nile monitor, water monitor, black-throat monitor, white-
51 throat monitor, crocodile monitor and komodo dragon of the
52 varanidae.

53 (b) Any such animal illegally possessed may be ordered seized and
54 may be relocated or disposed of as determined by the Commissioner of
55 Environmental Protection. The Department of Environmental
56 Protection shall issue a bill to the owner or person in illegal possession
57 of such potentially dangerous animal for all costs of seizure, care,
58 maintenance, [and] relocation or disposal of such animal. Additionally,
59 any person who violates any provision of this section shall be assessed
60 a civil penalty not to exceed [one] two thousand dollars, to be fixed by
61 the court, for each offense. Each violation shall be a separate and
62 distinct offense and in the case of a continuing violation, each day's
63 continuance thereof shall be deemed to be a separate and distinct
64 offense. The Commissioner of Environmental Protection may request
65 the Attorney General to institute an action in Superior Court to recover
66 such penalty and any amounts owed pursuant to a bill issued in
67 accordance with this section and for an order providing such equitable

68 and injunctive relief as the court deems appropriate.

69 (c) The provisions of this section shall not apply to municipal parks,
70 zoos [and] accredited by the Association of Zoos and Aquariums or the
71 Zoological Association of America, public nonprofit aquaria, nature
72 centers, [or] museums, or exhibitors licensed or registered with the
73 United States Department of Agriculture or laboratories and research
74 facilities maintained by scientific or educational institutions [;] licensed
75 or registered with the United States Department of Agriculture or to a
76 person possessing a Bengal cat certified by an internationally
77 recognized multiple-cat domestic feline breeding association as being
78 without wild parentage for a minimum of four prior generations
79 which cat was registered with the Commissioner of Agriculture on or
80 before October 1, 1996, provided no such cat may be imported into this
81 state after June 6, 1996. [; or to persons possessing animals legally on or
82 before May 23, 1983.] In any action taken by any official of the state or
83 any municipality to control rabies, a Bengal cat shall be considered not
84 vaccinated for rabies in accordance with accepted veterinary practice.

85 (d) Any person who wilfully violates any provision of subsection (a)
86 of this section shall be guilty of a class A misdemeanor.

87 Sec. 3. Section 26-55 of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective October 1, 2009*):

89 [No] (a) Except as provided in subsection (c) of this section, no
90 person shall import or introduce into the state, or possess or liberate
91 therein, any live fish, wild bird, wild mammal, reptile, amphibian or
92 invertebrate unless such person has obtained a permit therefor from
93 the commissioner, provided [nothing in this section shall be construed
94 to require such permit for] any primate [species] that weighs not more
95 than [fifty] thirty-five pounds at maturity that was imported or
96 possessed in the state prior to October 1, 2003, shall be registered with
97 the commissioner not later than November 1, 2009, in such manner as
98 the commissioner may prescribe. The owner or keeper of such primate
99 shall be strictly liable for damages for the injury or death of another

100 person or damage to the property of another person resulting from the
101 actions of such primate. Such permit may be issued at the discretion of
102 the commissioner under such regulations as the commissioner may
103 prescribe. The commissioner may by regulation prescribe the numbers
104 of live fish, wild birds, wild mammals, reptiles, amphibians or
105 invertebrates of certain species which may be imported, possessed,
106 introduced into the state or liberated therein. The commissioner may
107 by regulation exempt certain species or groups of live fish from the
108 permit requirements. The commissioner may by regulation determine
109 which species of wild birds, wild mammals, reptiles, amphibians or
110 invertebrates must meet permit requirements. The commissioner may
111 totally prohibit the importation, possession, introduction into the state
112 or liberation therein of certain species which the commissioner has
113 determined may be a potential threat to humans, agricultural crops or
114 established species of plants, fish, birds, mammals, reptiles,
115 amphibians or invertebrates. The commissioner may by regulation
116 exempt from permit requirements organizations or institutions such as
117 municipal parks, zoos, laboratories and research [laboratories, colleges
118 or universities] facilities maintained by scientific or educational
119 institutions, museums, public nonprofit aquaria or nature centers
120 where live fish, wild birds, wild mammals, reptiles, amphibians or
121 invertebrates are held in strict confinement.

122 (b) Notwithstanding the provisions of subsection (a) of this section,
123 the importation and possession of the following species is prohibited:
124 (1) Any primate in the families cheirogaleidae, lemuridae,
125 lepilemuridae, indriidae, lorisidae, daubentoniidae, galagidae,
126 tarsiidae, callitrichidae, cebidae, pitheciidae or atelidae; (2) the
127 sciuridae, including, but not limited to, the prairie dog; (3) the
128 viverridae, including, but not limited to, the civet and genet; (4) any
129 venomous species in the family arachnidea, including, but not limited
130 to, the tarantula and scorpion; and (5) any poisonous species in the
131 family dendrobatidae, including, but not limited to, poison arrow
132 frogs.

133 (c) Notwithstanding the provisions of subsections (a) and (b) of this

134 section, the Commissioner of Environmental Protection may issue a
135 permit for the possession of a service primate to a permanently
136 disabled person with a severe mobility impairment, provided such
137 disabled person submits written certification to said commissioner: (1)
138 From a licensed medical doctor attesting to such disabled person's
139 disability, mobility impairment and the need for a service primate to
140 provide an essential function that cannot be performed by the disabled
141 person; (2) that such service primate is legally obtained, is from the
142 genus Cebus and is trained by an accredited service primate training
143 organization; and (3) that the organization furnishing the service
144 primate to the disabled person is a nonprofit organization and is in
145 compliance with all applicable federal and state animal welfare laws.

146 (d) Any such fish, bird, mammal, reptile, amphibian or invertebrate
147 illegally imported into the state or illegally possessed therein [shall]
148 may be seized by any representative of the Department of
149 Environmental Protection and [shall be] may be relocated or disposed
150 of as determined by the commissioner. [Any person, except as
151 provided in section 26-55a, who violates any provision of this section
152 or any regulation issued by the commissioner as provided in this
153 section shall be guilty of an infraction. Importation, liberation or
154 possession of each fish, wild bird, wild mammal, reptile, amphibian or
155 invertebrate in violation of this section or such regulation shall be a
156 separate and distinct offense and, in the case of a continuing violation,
157 each day of continuance thereof shall be deemed to be a separate and
158 distinct offense.] The Department of Environmental Protection shall
159 issue a bill to the owner or person in illegal possession of such animal
160 for all costs of seizure, care, maintenance, relocation or disposal for
161 such animal.

162 (e) Any person who violates any provision of this section or any
163 regulation adopted by the commissioner pursuant to this section shall
164 be assessed a civil penalty not to exceed one thousand dollars, to be
165 fixed by the court, for each offense. Each violation shall be a separate
166 and distinct offense. In the case of a continuing violation, each day's
167 continuance thereof shall be deemed to be a separate and distinct

168 offense. The Commissioner of Environmental Protection may request
169 the Attorney General to institute an action in Superior Court to recover
170 such civil penalty and any amounts owed pursuant to a bill issued in
171 accordance with subsection (d) of this section and for an order
172 providing such equitable and injunctive relief as the court deems
173 appropriate.

174 (f) Any person who wilfully violates any provision of this section or
175 any regulation adopted by the commissioner pursuant to this section
176 shall be guilty of a class C misdemeanor."